

# EXHIBIT 85

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1  
2 UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF NEW YORK

3 Civil Action No.: 1:21-cv-05316-DG-TAM

-----x

4 MARVEL CHARACTERS, INC.,

5 Plaintiff,

6 - against -

7 NANCI SOLO and ERIK COLAN,

8 Defendant.

-----x

9 NANCI SOLO and ERIK COLAN,

10 Counterclaimant,

11 - against -

12 MARVEL CHARACTERS, INC. and DOES 1-10

inclusive,

13  
14 Counterclaim-Defendants.

-----x

15 October 28, 2022

8:11 a.m.

16  
17 VIDEOTAPED DEPOSITION of NANCI SOLO,  
18 pursuant to Federal Rule of Civil Procedure  
19 30, held at the offices of O'Melveny &  
20 Myers LLP, located at 7 Times Square, New  
21 York, New York 10036, before Anthony  
22 Giarro, a Registered Professional Reporter,  
23 a Certified Realtime Reporter and a Notary  
24 Public of the State of New York.  
25

1  
2 A P P E A R A N C E S :  
3

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5 Attorneys for Marvel Characters, Inc.  
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15 (via Zoom)

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20 Attorneys for Keith Dettwiler

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22 Malibu, California 90265

23 BY: MARC TOBEROFF, ESQ.

24 JAYMIE PARKKINEN, ESQ.

25 (via Zoom)

ALSO PRESENT:

MARCELO RIVERA, Videographer

ELI BARD, Marvel

(via Zoom)

S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED,  
by and among counsel for the respective  
parties hereto, that the filing, sealing  
and certification of the within deposition  
shall be and the same are hereby waived;

IT IS FURTHER STIPULATED AND AGREED  
that all objections, except as to form of  
the question, shall be reserved to the time  
of the trial;

IT IS FURTHER STIPULATED AND AGREED  
that the within deposition may be signed  
before any Notary Public with the same  
force and effect as if signed and sworn to  
before the Court.

\* \* \*

1 Nanci Solo

2 prior experience in representing other  
3 comic book artists, are you aware that  
4 there are currently four other cases that  
5 are currently being litigated? So, for  
6 example, this deposition is deemed being  
7 provided not only in your litigation, but  
8 also in four other lawsuits?

9 MR. TOBEROFF: Compound.

10 A I don't know.

11 Q Have you ever spoken with  
12 Larry Lieber?

13 A No.

14 Q Do you know who he is?

15 A I don't know, no.

16 Q Have you ever spoken to  
17 Steve Ditko?

18 A No.

19 Q Do you know who he is?

20 A I've heard that name.

21 Q Other than hearing the name,  
22 do you know who he is?

23 A No.

24 Q Have you ever spoken to  
25 anyone in the Ditko family, like Patrick

1 Nanci Solo

2 or Mark Ditko?

3 A Not that I'm aware of, no.

4 Q And how about Don Rico? Do  
5 you know who he is?

6 A No.

7 Q Have you ever spoken to  
8 Michelle Hart-Rico or Buz Rico?

9 A No.

10 Q How about Don Heck? Do you  
11 know who he is?

12 A I've heard that name. I  
13 don't know who he is.

14 Q Have you spoken or  
15 communicated with Keith Dettwiler?

16 A No.

17 Q Do you know who that is?

18 A No.

19 Q And I asked you if you'd  
20 ever spoken with any of those  
21 individuals, and you said no.

22 Is the same true, that  
23 you've never corresponded with them  
24 either?

25 A Yes. The same is true. I

## I N D E X

## E X A M I N A T I O N

## EXAMINATION      FURTHER EXAMINATION

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C E R T I F I C A T I O N

I, ANTHONY GIARRO, a Shorthand  
Reporter and a Notary Public, do hereby  
certify that the foregoing witness, NANCI  
SOLO, was duly sworn on the date indicated,  
and that the foregoing, to the best of my  
ability, is a true and accurate  
transcription of my stenographic notes.

I further certify that I am not  
employed by nor related to any party to  
this action.



-----  
ANTHONY GIARRO